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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

MICHELLE ERNST as Personal )  
Representative of the Estate of )  
DAVID MICHAEL ERNST, deceased, ) Case No.  
Plaintiff, ) 14-CV-504-GKF-PJC  
vs. )  
CREEK COUNTY PUBLIC FACILITIES )  
AUTHORITY, ADVANCED CORRECTIONAL )  
HEALTHCARE, INC., )  
Defendants. )  
\_\_\_\_\_  
)

DEPOSITION OF GARY M. VILKE, M.D.

January 13, 2016

Reported by: Deborah M. DeSilva, CSR No. 7307, CRR

Deposition of Gary M. Vilke, M.D.

ERNST vs. CREEK COUNTY PUBLIC FACILITIES AUTHORITY, et al.

1 GARY M. VILKE, M.D.,

2 having been administered an oath, testified as follows:

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4 EXAMINATION

5 BY MR. McMILLIN:

6 Q. Would you state your name for the record,  
7 please.

8 A. Gary Michael Vilke.

9 Q. And what is your occupation?

10 A. I'm an emergency physician.

11 Q. Okay. And we have your C.V. that you have  
12 provided us. Is this an up-to-date C.V.?

13 A. It's --

14 Q. It was the one that was attached to your  
15 report, I think.

16 A. There may be a paper or two added on or a  
17 couple little things, but nothing of substance for this  
18 case.

19 Q. Okay. And there's a lot of publications listed  
20 in the C.V. Do any of those publications relate to any  
21 of the issues that we're going to be addressing in this  
22 case?

23 A. There's one publication on suicide assessment  
24 in the emergency department that may have some value  
25 component to it.

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1 A. Yes.

2 Q. Do you -- I believe you understand that it is  
3 jail employee Adam Marshall who is the detention officer  
4 who after Mr. Ernst, or decedent, had received his  
5 sentence, he -- Matt Marshall is the officer who  
6 expressed a concern to have Mr. Ernst placed on suicide  
7 watch to other people at the jail. Do you understand  
8 that?

9 A. Adam Marshall, yes.

10 Q. Yes. All right. And you understand he is a  
11 jail employee, correct?

12 A. Yes.

13 Q. Do you believe that it is reasonable for a jail  
14 employee to rely on the medical staff employed by ACH at  
15 the jail when it comes to medical decisions involving  
16 inmates?

17 A. Yes.

18 Q. Do you believe that it reflects a deliberate  
19 indifference on jail staff to, in fact, rely on medical  
20 staff to make medical decisions?

21 A. You're using a legal term, deliberate  
22 indifference. You're meaning that if they see something  
23 that's medically seriously wrong and then rely on the  
24 staff -- I'm sorry.

25 Q. I'll strike that question. What do you

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1 understand deliberate indifference means?

2 A. That you -- basically you recognize something  
3 as being such, and you sort of deliberately or  
4 intentionally just disregard it.

5 Q. Okay. In your review of the documents and  
6 information that you have at this time, did you see any  
7 acts or inaction by a jail employee that you in your own  
8 words or opinion would describe as deliberate  
9 indifference?

10 A. No.

11 Q. Did you review any of the jail employees'  
12 training records?

13 A. No.

14 Q. I think Mr. McMillin asked you this question  
15 earlier -- I'm not positive -- I understand you've seen  
16 some transcripts of phone calls, but have you actually  
17 listened to any of the phone calls in which Mr. Ernst,  
18 the decedent, was a participant in the phone call?

19 A. No.

20 Q. In your report, on page 3, where you enumerate  
21 your -- the categories of overview of opinions and you  
22 have four separate opinions, in each of them you used  
23 the phrase "breach of standard of care."

24 Do you know what I'm referring to in your  
25 report where you say that?